



***Town of Tyngsborough  
Conservation Commission***

25 Bryants Lane  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext. 116  
Fax: (978) 649-2301

Minutes  
June 11, 2013  
**APPROVED**

**Present:**

**BM:** Brian Martin      **LG:** Lucy Gertz      **PM:** Pat Mical      **JK:** Jeff Kablik      **LB:** Linda Bown  
**MM:** Matt Marro

**Absent:**

**JE:** Jerry Earl      **ES:** Ed Smith

**Attachments:**

1. Agenda
2. Route 3 NB & SB at Exit 36 RDA Application – 5/21/13
3. 31 Alden St. Plot Plan – 4/27/95
4. 72 Tyng Rd.(Innovation Academy) RDA Application – 5/29/13
5. Beaver Run Subdivision Roadway/Drainage OOC Extension Request – 5/24/13
6. J.O. Leonard Letter regarding transfer of property – 3/28/13

**7:00pm**      BM opened meeting

**7:02pm**      **Route 3 NB & SB On & Off-Ramps at Exit 36 – Request for Determination of Applicability**  
for the proposed roadway maintenance and resurfacing.

**JK:** Motion to waive the reading of the legal notice and abutters list.

**PM:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

Mass DOT representative Andrea Norton appeared before the Commission to explain the project. LB asked if there were any new structures being added and if there were plans for an additional sewer line. Ms. Norton replied that no new structures or sewer lines were being placed. PM asked if there will be any structure grades adjustments. Ms. Norton said that would be done only if it was to meet a replacement structure. She went on to say that this project is maintenance only and not expansion. MM recommended a negative determination with erosion controls and 48 hour notification for inspection prior to commencement. JK asked what type of prep work was necessary during the resurfacing. Ms. Norton said that there would be milling done and reiterated that the proper erosion controls would be placed. She went on to say that there were no new cuts in the road being made. There were no abutters present to speak for or against this project.

**JK:** Motion to close the public portion of the hearing.

**PM:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

**JK:** Motion to issue a Negative Determination of Applicability for the Route 3 Northbound and Southbound On & Off Ramps at Exit 36 with proper erosion controls and 48 hour notification prior to project commencement to allow for inspection.

**LB:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

**7:10pm**      **31 Alden St. (M30, P54, L0) – Request for Determination of Applicability** for the proposed construction of a 12' x 19' addition with a 3' porch.

**JK:** Motion to waive the reading of the legal notice and abutters list.

**LB:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

Homeowner Al Luongo appeared before the Commission regarding this project. MM clarified with the homeowner that the size of the addition is actually 28' x 42' and recommended a negative determination as it does not adversely impact the wetlands. There were no abutters present to speak for or against this project.

**JK:** Motion to close the public portion of the hearing

**LB:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

**JK:** Motion to issue a Negative Determination of Applicability for a 28' x 42' addition at 31 Alden St.

**LB:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

**7:20pm**      **72 Tyng Rd., Innovation Academy (M28, P63, L0) – Request for Determination of Applicability** for the proposed installation of an electrical conduit connecting the irrigation pump to the modular classroom building.

**JK:** Motion to waive the reading of the legal notice and abutters list.

**LB:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

Nitsch engineer Justin Richardson appeared before the Commission for the applicant. Mr. Richardson reviewed the file history for the prior permit under stormwater and noted that during construction, the contractor accidentally severed a conduit to the pump house located by the pond. Therefore, a new conduit will be installed in the buffer zone. They plan to locate the trench in an area that avoids the ledge outcrop, and a wetland seed mix will be planted when the job is completed. There were no abutters present to speak for or against this project.

**JK:** Motion to close the public portion of the hearing

**LB:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

**JK:** Motion to issue a Negative Determination of Applicability for 72 Tyng Rd. per plans dated 5/29/13.

**LB:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

**7:30pm Jacques Rd., Westford Rd. & 327 Westford Rd. (Beaver Run Subdivision)** – Request for a three year Extension to the Order of Conditions, DEP# 309-661. Original Order of Conditions was issued on June 26, 2003, extended once until June 26, 2009, and then subsequently extended under the Massachusetts Permit Extension Act until June 26, 2013.

Engineer Steve Eriksen appeared before the Commission for the applicant. Mr. Eriksen detailed the progress of the subdivision and what still remains to be done; hence the need for an extension to the OOC. He went on to say that they would need to file a Notice of Intent with the Commission when they are ready to build the remaining houses. MM recommended that the 3 year extension be granted. LB asked whether the new stormwater regulations would require that the Order of Conditions be changed, but MM said that it wasn't necessary. JK inquired if the existing construction would require any changes to the Order of Conditions, but Mr. Eriksen said no. BM asked how many lots have been built thus far. Mr. Eriksen said that this Order of Conditions was not on that part of the subdivision. BM examined the permit extension act with MM who determined that it could not count against him with the number of extensions granted.

**JK:** Motion to approve a three year extension to the Order of Conditions, DEP# 309-661.

**PM:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

**7:45pm Kendall Road (M20A, P29A)** – Land Donation

The Commission discussed a land donation prospect from J. O. Leonard. The parcel is located across from the Evangelical Church parking lot on Kendall Rd. LB asked what the potential uses would be for the land. PM noted the potential to work with Verizon. MM noted that he felt the land has potential for downtown value to be used for passive recreation use.

**8:00pm**      **3 Brookview Circle (M14, P7, L0) – Request for Certificate of compliance, DEP# 309-343.**  
Order of Conditions issued 11/8/1995.

MM viewed the property and recommended a Certificate of Compliance be issued for the property.

**JK:** Motion to issue a Certificate of Compliance for 3 Brookview Circle, DEP# 309-343.

**LG:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

### **Director's Reports:**

1. Earth Day Activities: Household hazardous waste collection day will be advertised with an exhibit on Earth Day.
2. Recycling Activities: The Recycling Committee already does recycling on site and has the largest exhibit. They also work with DPW to bring in the bags from residents for the Town wide cleanup.

### **Reports/Discussion:**

- **Sherburne Nature Center/Trails Committee Update**

LG reported that the boardwalk designer trail builder will be by to complete the surfacing of the trail and the process gravel will be delivered. In addition, the bee hive issue has been addressed, and the hives will not be moved.

### **Administrative:**

#### **1. Minutes:**

The minutes from May 28, 2013 were not ready for approval.

#### **2. New Business:**

- **Norton/Hunter Property**

Town Administrator Michael Gilleberto spoke to the Commission regarding allowing the exploration of the property for a viable water supply. He related the history of the property and that Parlee Farms needs a prescriptive easement to cross our land to access their own. This license will allow the access to the property for a non-agriculture use. JK wanted to know why a license isn't a proper vehicle for longer term use. Mr. Gilleberto noted that there is no long term use that could be written in with a license.

**LB:** Motion to authorize MM to sign the license agreement.

**PM:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

**8:45pm**

**JK:** Motion to adjourn

**ES:** 2<sup>nd</sup> the motion

**In Favor: 6 Opposed: 0 Absent: 1**

**Passes: 6-0-1**

Respectfully for the Conservation Commission,

Matt Marro

Conservation Director